

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MICHAEL WILSON, SR., et al.,

Plaintiffs,

vs.

DEPUTY LAWRENCE MONTANO, et al.,

Defendants.

Civ. No. 11-658 KG/SCY
Consolidated with
Civ. No. 11-951 KG/SCY
Civ. No. 11-1021 KG/SCY

DISMISSAL OF COUNT IX OF SARRETT PLAINTIFFS’
FIRST AMENDED CLASS ACTION COMPLAINT (DOC. 5),
FILED IN CIV. NO. 11-1021 KG/SCY

Having granted Defendant Joseph Vaughn’s Motion to Dismiss for Failure to State a Claim Upon Which Relief Can be Granted and for Summary Judgment on Grounds of Qualified Immunity and Memorandum of Law in Support Thereof (Doc. 125), filed in Civ. No. 11-658 KG/SCY, by a Memorandum Opinion and Order filed contemporaneously with this Dismissal of Count IX of Sarrett Plaintiffs’ First Amended Class Action Complaint (Doc. 5), Filed in Civ. No. 11-1021 KG/SCY,


IT IS ORDERED that

1. the 42 U.S.C. § 1983 official capacity claims against Defendant Joe Stidham/Joseph Vaughn raised in Count IX of Sarrett Plaintiffs’ First Amended Class Action Complaint are dismissed without prejudice;

2. summary judgment is granted in favor of Defendant Joe Stidham/Joseph Vaughn on the Section 1983 individual capacity claims raised in Count IX of Sarrett Plaintiffs’ First Amended Class Action Complaint;

3. those Section 1983 individual capacity claims are dismissed with prejudice; and

4. Defendant Joe Stidham/Joseph Vaughn is terminated as a Defendant in Civ. No. 11-1021 KG/SCY.



UNITED STATES DISTRICT JUDGE